

RESOLUTION NO. 2367

AUTHORIZING AND DIRECTING CONDEMNATION OF REAL
PROPERTY FOR PUBLIC STREET PURPOSES

BE IT RESOLVED by the Council of the City of Lodi as follows:

That the Council of the City of Lodi finds, determines, and hereby declares:

(1) That there exists in the eastern portion of the incorporated City of Lodi an unsatisfactory storm drainage condition which has resulted in periodic flooding of streets and private property.

(2) That the State of California by and through its Department of Public Works, Division of Highways, has acquired the necessary rights of way and contemplates the early construction of a freeway and frontage road through the eastern portion of the City of Lodi and within the area affected by said unsatisfactory drainage condition; that the correction of the aforesaid unsatisfactory drainage condition can best be accomplished by the construction of a storm drainage ditch between the aforesaid proposed freeway and frontage road to be constructed by the State of California; that in order to make the installation of said storm drainage ditch, it is necessary that additional rights of way be acquired for the relocation of the aforesaid frontage road so that there will be sufficient area remaining between said relocated frontage road and the proposed freeway.

(3) That pursuant to the foregoing, the City of Lodi did on May 4, 1960, enter into an agreement with the State of California, Department of Public Works, Division of Highways, which agreement provides for the acquisition of said additional rights of way for frontage road purposes and the granting by the State of California to the City of Lodi of its right to construct its

storm drainage ditch between said freeway and the said relocated frontage road; that upon the City's acquisition of title to the necessary real property necessary for said additional right of way for said relocated frontage road, that the City of Lodi will thereafter convey said property to the said State of California; that after the construction and improvement of said frontage road that the same will then be conveyed and transferred by the State of California to the City of Lodi as a public street.

(4) That the proposed public improvement is a public use required by the public interest, necessity, health, and safety, and is planned in the manner most compatible with the greatest public good and the least private injury and that said use is authorized by law.

(5) That the said proposed improvement is necessary and required in order to provide the proper drainage of storm waters in the eastern area of the City of Lodi so as to prevent damage to private and public property from storm waters.

(6) That the following described property is a portion of the property necessary for the improvement hereinabove described:

All that certain real property Situate, lying, and being in the City of Lodi, County of San Joaquin, State of California, described as follows:

A portion of the Northwest Quarter of Section 7, T3N, R7E, M. D. B. & M., as described in deed to John Graffigna and Louisa Graffigna, his wife, dated October 23, 1943, recorded in Volume 845 of Official Records at page 217, San Joaquin County Records, described as follows:

Beginning at a point on the South line of that certain parcel of land described in said deed dated October 23, 1943, said point also being the Southeast corner of the parcel of land described in deed to State of California, dated January 29, 1959, and recorded in Vol. 2140 of Official Records at page 362, San Joaquin County Records; thence along the East line of the parcel of land described in deed dated January 29, 1959, N 0° 48' W, 452.77 feet to the North line of said parcel of land described in deed dated October 23, 1943; thence along said North line S 87° 22' 57" E, 74.12 feet; thence S 0° 48' E, 452.49 feet to the South line of said parcel of land described in deed dated October 23, 1943; thence along last said line N 87° 35' 30" W, 74.12 feet to the point of beginning.
Containing 0.77 acre, more or less.

(7) That the City of Lodi acquire an easement and right of way for street purposes in and over the above-described property by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain.

(8) That the compensation for the easement and right of way taken and property damaged, if any, arising out of the location, construction and maintenance of said project be adjusted by agreement or by proceedings calculated to fix the compensation, if any, to be paid.

(9) That the City Attorney is hereby authorized:

(a) To prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary land and/or to fix the compensation to be paid for property damaged resulting from the construction and maintenance of said improvement; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title VII, Part III of the Code of Civil Procedure of the State of California to condemn the property described above for the purpose of taking the easement and right of way for improvement herein described.

(b) To make application to the Court for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements, as a right of way for public use; to make deposit of such security or moneys in such amount so fixed and determined and in such manner as said Court in which such condemnation proceedings are pending may direct.

I, Beatrice Garibaldi, City Clerk of the City of Lodi, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2367. Passed and adopted by the Council of the City of Lodi at a regular meeting thereof held on the 19th day

of October, 1960, by the following vote:

AYES, COUNCILMEN: CULAERTSON, KATZAKIAN, BROWN, MITCHELL, and
ULLMANN

NOES, COUNCILMIEN: NONE

ABSENT, COUNCILMEN: NONE

Beatrice Garibaldi
Beatrice Garibaldi, City Clerk,
City of Lodi

